HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 20756 of 2005

Dated: 08-08-2007

Between:

K.Babu Reddy

..... PETIT

AND

The A.P.S.R.T.C.,
Rep., by its Managing Director,
Musheerabad, Hyderabad and another.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 20756 of 2005

O R D E R:

In this writ petition, the petitioner has questioned the proceedings dated 04-08-2005 of respondent No.2 by which he denied the liability on the part of the Andhra Pradesh State Road Transport Corporation (for short APSRTC) to pay compensation amount payable under award dated 05-07-2005 passed by the District Judge cum Chairman, Motor Accidents Claims Tribunal, Chittoor (for short 'the Tribunal") on the ground that under the agreement dated 08-02-1999 entered into by the petitioner with the Corporation, the former had undertaken to pay such compensation.

At the hearing, Sri S.V.Muni Reddy and Sri P.Vinayaka Swamy, learned counsel appearing for respective parties submitted that subsequent to filing of this writ petition, the A.P.S.R.T.C. filed MACMA (SR) No.18069 of 2006 questioning the award dated
05-07-2005 of the Tribunal and the Insurance Company also filed a C.M.A against the said award. It is also submitted that the petitioner filed cross objections.

Both the learned counsel agreed that the issue raised in this writ petition is also raised in the said batch of CMAs.

Sri P.Vinayaka Swamy further submitted that in the CMA filed by the Corporation, this Court granted interim suspension and that even in the CMA filed by the Insurance Company conditional interim stay was granted. He, therefore, says that there is no threat of recovery of the compensation amount from the petitioner till the disposal of the CMAs.

Having regard to the statements of the learned counsel and in view of the fact that the issue raised in this writ petition is also an issue, which is substantially arising in MACMA (SR)
No.18069 of 2006 and batch, this writ petition does not survive for consideration.

The petitioner is free to pursue the stand taken by him in this writ petition in the aforementioned CMAs and work out his remedies accordingly.

Subject to the above observation, the writ petition is disposed of. No costs.

C.V.NAGARJUNA REDDY,J

Date: 08-08-2007
KLP